

REMARKS

This Amendment is being filed in response to the Office Action mailed October 16, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1, 3-11 and 13-18 remain in this application, where claims 12 and 15 have been canceled without prejudice. Claims 1, 5, 7, 10-11, 13 and 16-18 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1, 2-11 and 13-16 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A' and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1, 2-11 and 13-16 were not made in order to address issues of patentability and Applicants respectfully reserve

all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the Office Action, the Examiner objected to claims 1, 11 and 13 for certain informalities. In response, claims 1, 11 and 13 have been amended in accordance with the Examiner's suggestion. Accordingly, withdrawal of the objection to claims 1, 11 and 13 is respectfully requested.

In the Office Action, claim 13 is rejected under 35 U.S.C. §112, first paragraph, and claims 8 and 13 are rejected under 35 U.S.C. §112, second paragraph. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claims 8 and 13 have been amended for better clarity. It is respectfully submitted that the rejections of claims 8 and 13 has been overcome and an indication as such is respectfully requested.

In the Office Action, the Examiner indicated that claims 2-3, 5, 7-10 and 12 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claims 2-3, 5, 7-10 and 12 contain patentable subject matter. By means of the present amendment, claims 5, 7 and 10 have been rewritten in independent form. Further, independent claims 1 and 11 have been amended to include the features of allowable claims 2 and 12, respectively, which have been canceled without prejudice. In addition, new independent claims 16-18 have been added that include features similar to the features of the independent claims 1, 5 and 7, respectively.

Accordingly, it is respectfully requested that independent claims 1, 5, 7, 10-11 and 16-18 be allowed. In addition, it is respectfully requested that claims 3-4, 6, 8-9 and 14-15 also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements.

In the Office Action, claim 13 is rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 03/069380 (Feenstra). It is respectfully submitted that claim 13 is patentable over Feenstra for at least the following reasons.

Feenstra is directed to a variable focus lens comprising two non-miscible fluids. A first electrode (2) is separated from the fluid bodies by a fluid contact layer (10), and a second electrode (12) is in contact with the first fluid to cause an electrowetting effect whereby the shape of the meniscus is altered. As correctly noted on page 5, last 8 lines of the Office Action, the body is in contact with the first electrode (2).

In stark contrast, the present invention as recited in independent claim 13, amongst other patentable elements recites (illustrative emphasis provided):


an electrical connector for applying a voltage between the electrical connector and the body so that a further electrical connector is not necessary.

These features are nowhere disclosed or suggested in Feenstra. Rather, Feenstra discloses to have a further electrical connector, namely, the first electrode (2), connected to the body, thus teaching away from the present invention as recited in independent claim 13, where a voltage may be applied between "the electrical connector and the body so that a further electrical connector is not necessary." (Illustrative emphasis provided) Accordingly, it is respectfully submitted that independent claim 13 is allowable.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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